

REMARKS

This is in response to the Office Action dated November 8, 2005. Claims 22-24 have been canceled. New claims 25-28 have been added. Thus, claims 1-21 and 25-28 are now pending.

Applicant notes with appreciation the *Examiner's identification of allowable subject matter in the last paragraph on page 2 of the Office Action dated November 8, 2005*. In this regard, "image-processing device . . ." has been incorporated into all independent claims, and "additional function pack . . ." has been incorporated into new claims 25-28. Thus, given the Examiner's indication of apparent allowable subject matter, it is believed that all claims are now in condition for allowance.

Claims 1, 5, 9 and 15 stand rejected under 35 U.S.C. Section 112, second paragraph, as being allegedly indefinite. It is respectfully submitted that the changes to these claims herein address and overcome any potential issue in this regard.

Claim 1 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Morishita in view of Ginter and Merkle. This 3-way Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 1 requires "a first program that controls basic operations of said image processing device so that basic operations of the image processing device are executed by controlling elements of the image processing device via the first program, and a second program that is a subroutine and is accessed in said first program so as to control an additional operation of said image processing device so that the second program controls the additional operation that is different than the basic operations controlled by the first program, wherein the second program is available via elements of the image processing device that executes the basic operations via the

first program; a control section implementing an operation by executing only said first program, or both said first and second programs; a system managing section that, in response to a releasing key operation that renders the additional operation implementable, makes said second program permanently accessible in said first program, and wherein said first program is accessible and operable both before and after the releasing key operation so that one releasing key operation makes the second program permanently accessible following said one releasing key operation, and wherein the second program is a subroutine of the first program; and wherein the image processing device is an image forming apparatus, a combination of the image forming apparatus and a peripheral device realizes an image forming system, wherein the first program is a program that controls the image forming apparatus and the second program is a program that controls the peripheral device that works with the image forming apparatus.

Thus, it will be appreciated that certain example embodiments of this invention relate to an image processing device including a plurality of elements (e.g., a scanner, a printer, and a communication unit), where basic operations of the image processing device are executed by controlling these elements via the first program. There is also provided a second program, which is a subroutine of the first program and with which an additional operation(s) that is different from the basic operations becomes available via element(s) that can execute the basic operations via the first program; and the second program is activated *to become permanently accessible* in response to a releasing key operation. Moreover, it has been clarified that the image processing device is an *image forming apparatus, a combination of the image forming apparatus and a peripheral device realizes an image forming system, wherein the first program is a program that controls the image forming apparatus and the second program is a program that controls the*

peripheral device that works with the image forming apparatus. The cited art fails to disclose or suggest these features.

The portions of Morishita indicated by the Office Action (col. 15, lines 50-67, col. 16, lines 1-67, and col. 20, lines 1-18) seem to describe a structure for protecting system resources. Thus, the cited art is entirely different than the invention of claim 1. For instance, claim 1 requires *the first program is a program that controls the image forming apparatus and the second program is a program that controls the peripheral device that works with the image forming apparatus.* Claim 1 further requires that one releasing key operation makes the second program permanently accessible thereafter. The cited art fails to disclose or suggest these features of claim 1 either alone or in the alleged combination.

Additionally, Merkle discloses a shareware program which merely processes data on the memory of the computer. This shareware program of Merkle is therefore not a first program that controls an image forming apparatus. Accordingly, the shareware of Merkle does not meet the first program aspect of claim 1. Moreover, even if the control of the functionality of the program is released, the released functionality is no more than an additional program for processing data on the memory of a computer. Thus, this released functionality is much different than the second program of claim 1 with which an additional operation(s) becomes *permanently available* and the second program controls a peripheral device. Thus, the second program aspect of claim 1 is also not met by Merkle.

In view of the above, it can be seen that even the alleged combination of the three references (which applicant believes to be incorrect in any event) fails to meet the invention of claim 1.

Moreover, as explained previously, both Morishita and Ginter also fail to disclose or suggest a second program which is a *subroutine* of a first program and which controls a peripheral device that works with the image forming apparatus, where the second subroutine program is selectively activatable via a releasing key operation, and the first program is accessible and operable both before and after the releasing key operation as required by claim 1. In other words, claim 1 requires that the second program is a subroutine of the first program, and that the second program is selectively activatable via the releasing key operation. On the other hand, the first program (which the selectively activatable second program is a subroutine of) is accessible and operable before and after such a releasing key operation. The cited art fails to disclose or suggest these aspects of claim 1, either taken alone or in combination.

The cited art fails to disclose or suggest using a release key operation to allow *permanent* accessibility to a subroutine program (e.g., second program) that is provided in a main program (e.g., first program) that is accessible regardless of the release key operation. Both Morishita and Ginter fail to disclose or suggest this aspect of claim 1. Thus, it will be appreciated that even if the references were combined as alleged in the Office Action (which applicant believes would be incorrect in any event), the invention of amended claim 1 still would not be met.

The other independent claims also require that the image processing device is an image forming apparatus, where a combination of the image forming apparatus and a peripheral device realizes an image forming system, wherein the first program is a program that controls the image forming apparatus and the second program is a program that controls the peripheral device that works with the image forming apparatus. The other independent claims also require that one releasing key operation makes the second program permanently accessible thereafter, which again is not disclosed or suggested by the cited art. These claims further require that the second

NAKAI et al.
Appl. No. 09/833,038
March 6, 2006

program is a subroutine of the first program. Again, the cited art fails to disclose or suggest these aspect of the other independent claims.

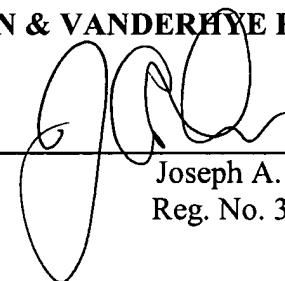
Claims 25-28 require that *the second program includes an additional function pack allowing the an extension of functions of the image processing device to be implemented after shipment of the image processing device*. The cited art fails to disclose or suggest this feature of these claims, either taken alone or in the alleged combination.

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100